

whereas, in truth and in fact, the said cans did not contain one gallon net of the article but contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the net quantity stated was more than the actual contents of the said package.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10546. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 433 Cases \* \* \* of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14434. I. S. No. 4172-t. S. No. C-2792.)**

On February 11, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 433 cases of vinegar, at Chicago, Ill., alleging that the article had been shipped by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., May 20, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar, or acetic acid, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged in substance for the reason that the bottles containing the article bore a label in words and figures as follows, to wit, "Steuben Brand Cider Vinegar Reduced to 4% Acetic Acid Made From Apples M'd'd April 1919 Net Contents One Pint Reduced Fermented \* \* \*" which statement was false and misleading in that it represented that the article consisted of fermented cider vinegar, and for the further reason that the above-quoted statement appearing on the said bottles deceived and misled the purchaser into the belief that the article was a fermented cider vinegar, whereas, in truth and in fact, it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, fermented cider vinegar.

On June 29, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10547. Misbranding of tomatoes. U. S. \* \* \* v. James Daniel Bonds and Howard Joseph Foltz (J. D. Bonds & Co.). Pleas of guilty. Fine, \$10 and costs. (F. & D. No. 14359. I. S. No. 11526-t.)**

On April 13, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Daniel Bonds and Howard Joseph Foltz, copartners, trading as J. D. Bonds & Co., Humboldt, Tenn., alleging shipment by said defendants, on or about July 19, 1920, in violation of the Food and Drugs Act, as amended, from the State of Tennessee into the State of Indiana, of a quantity of tomatoes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On November 1, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10548. Misbranding of cottonseed cake. U. S. \* \* \* v. Farmers Oil & Fertilizer Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 12291. I. S. No. 12031-r.)**

On June 28, 1920, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Oil & Fertilizer Co., a corporation, Texarkana, Tex., alleging shipment by said

company, on or about March 4, 1919, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 2, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10549. Adulteration and misbranding of grape juice. U. S. \* \* \* v. 10 Five-Gallon Kegs of New Grape Juice, et al. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 607-c, 608-c, 609-c. I. S. Nos. 12677-t, 12678-t.)

On September 7, 1920, the United States attorney for the District of South Dakota, acting upon reports by the Food and Drug Commissioner for the State of South Dakota, filed in the District Court of the United States for said district libels for the seizure and condemnation of 20 five-gallon kegs of new grape juice, so-called, remaining in the original unbroken packages at Jefferson, Yankton, and Vermilion, S. D., respectively, alleging that the article had been shipped by the Northwestern Beverage Co., Sioux City, Iowa, August 25, 1920, and transported from the State of Iowa into the State of South Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that a substance, to wit, a solution of invert sugar and apple product, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a partly fermented product, to wit, a solution of invert sugar, apple product, and tartaric acid, had been substituted in part for grape juice.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, grape juice.

On January 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10550. Misbranding of cottonseed meal and cake. U. S. \* \* \* v. Vidalia Oil & Ice Co., a Corporation. Plea of guilty. Fine, \$150.** (F. & D. No. 12307. I. S. Nos. 10873-r, 11973-r.)

On July 17, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Vidalia Oil & Ice Co., a corporation, Vidalia, La., alleging shipment by said company, on or about December 12, 1918, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Kansas, of quantities of cottonseed meal and cake which were misbranded. The articles were labeled in part: "Owl Brand \* \* \* High-Grade Cotton Seed Meal \* \* \*."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cottonseed meal contained 13.17 per cent of crude fiber, 38.16 per cent of crude protein, 6.10 per cent of total nitrogen, and 7.41 per cent of total ammonia; and that the cottonseed cake contained 12.78 per cent of crude fiber, 38.08 per cent of crude protein, 6.09 per cent of total nitrogen, and 7.40 per cent of total ammonia. Examination of the articles showed that the average net weight of 40 sacks of the cottonseed cake was 98.27 pounds, and that the average net weight of 16 sacks of the cottonseed meal was 94.75 pounds.

Misbranding of the articles was alleged in the information for the reason that certain statements, to wit, "100 Lbs. Gross 99 Lbs. Net Ammonia 8%. Protein 41% \* \* \* Nitrogen 6½% \* \* \* These are minimum guarantees Frequently runs higher \* \* \* Fibre, maximum 10% \* \* \*," borne on the tags attached to the sacks containing the articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that they represented that the articles contained 8 per cent of ammonia, 41 per cent of protein, and 6½ per cent of nitrogen, and not more than 10 per cent of fiber, and that each of the said sacks contained 99 pounds of the respective articles, and for the further reason that the respective articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they